



March 25, 2013

VIA EMAIL ONLY smrussell52@gmail.com

Sandra Russell
5606 Johnson Dr
Suite B
Mission, KS 66202

Re: SSJR File: 06031-047 Investigation of Domain **TWISTEDSISTERSCOFFEESHOP.COM**
Unauthorized Use of Registered Mark TWISTED SISTER[®]

Dear Ms. Russell:

We write on behalf of our client, Mr. John French, a founding member of the world-famous musical group "TWISTED SISTER". Our client is the owner of an incontestable federal trademark registration for the mark TWISTED SISTER under Registration No. 1,098,366. Our client commenced use of the TWISTED SISTER mark in 1973 and has developed a considerable amount of goodwill in and to the TWISTED SISTER mark and brand. For more information on our client's famous brand, please see his website at www.twistedsisiter.com.

It has come to our attention that you have registered the domain **TWISTEDSISTERSCOFFEESHOP.COM** and that you may intend to use the domain for a commercial website.

Your use of the domain name and the name TWISTED SISTER and/or a variation of such name, is likely to cause dilution of our client's famous mark and confusion among consumers, in violation of Federal Trademark law 15 U.S.C. 1125. Therefore, our client requests that you cease all use of name TWISTED SISTER (and all variations thereof), including in domain names, business names, social media (such as Twitter[®], Facebook.com[®] and LinkedIn[®]), advertising and signage. Further we request that you transfer the above domain to our client. Please contact me at 203-324-6155 or fschweitzer3@ssjr.com to discuss a resolution and to arrange a transfer.

Our client is most concerned with the use of "twisted" and "sister" or close variations of those two words. It is likely that you could adopt an alternative name without one of those two words (or close variations) that would be acceptable to our client.

It is a fundamental principle of trademark law that the use of a confusingly similar variation of a prior established mark is a violation of federal and state law, and the addition of non-distinctive and/or generic elements, or similar sounding letter combinations, to an established mark does not permit another person to use the variation of the prior established mark.

History

Twisted Sister musical group coined the name "TWISTED SISTER" in 1973; the juxtaposition of those two words never appeared prior to the creation and adoption of the mark by our client. Continuously since then, our client has had extensive media publicity and exposure of its mark. Our client has released at least 12 full albums and 4 DVDs since 1973 under the TWISTED SISTER mark, which have been distributed and sold throughout the United States and worldwide. Our client has sold millions of dollars worth of sound recordings under the TWISTED SISTER mark. One album, "Stay Hungry," received a triple Multi-Platinum® award from the Recording Industry Association of America (RIAA), indicating sales of over 6 million albums in the U.S. Two other albums, "Come Out and Play" and "You Can't Stop Rock 'n Roll" each received Gold® awards, indicating sales of over 1 million albums. In addition, our client has sold or licensed millions of dollars worth of merchandise under the mark TWISTED SISTER, including musical instruments and clothing, as well as other merchandise. Further, their music and mark are licensed for movies, TV shows, commercials, slot machines, greeting cards, and other uses in the U.S. and throughout the world. Our client has expended substantial sums in advertising and promoting live performances and sound recordings under the TWISTED SISTER mark throughout the entire United States and has sold extensive merchandise throughout the United States. The purchasing public, as well as the trade and industry, have come to know and to recognize the TWISTED SISTER mark as exclusively identifying the goods and services of our client. Our client has acquired substantial goodwill in the mark TWISTED SISTER through regular and substantial advertisements bearing the mark, substantial sales of products and merchandising bearing the mark, and services provided in conjunction with the mark. In sum, it is well established that our client has enjoyed considerable success, fame and recognition under the TWISTED SISTER mark and it is a well-established and famous mark.

Infringement, Dilution and Unfair Competition

By virtue of the inherent distinctiveness of our client's mark, the extent and duration of its use, geographic scope, extent of our client's advertising and sales, media publicity, exposure of the mark and consumer recognition, the TWISTED SISTER name and mark is highly distinctive and became famous prior to your use. Your adoption and use of

our client's mark (or a variation thereof) is likely to cause dilution of our client's famous mark. Therefore, your use of this mark is an infringement of our client's federal trademark rights as well as unfair competition under federal law, and is in violation of 15 U.S.C. 1125.

Please also note that our client has successfully enforced his trademark rights against other unauthorized parties such as Six Flags, Harley-Davidson Motor Company, Urban Decay Cosmetics and others. Most recently, our client was successful in requiring Twisted Sister Bakery in Chicago and Twisted Sister Pizza in Massachusetts to change their names. These companies recognized the rights of Mr. French and ceased their use of the infringing trademarks.

This is not intended to be a complete statement of our client's rights in connection with these matters, and nothing contained herein constitutes an express or implied waiver of any rights, remedies, or defenses of Mr. John French, all of which are expressly reserved. Our client wishes to resolve this matter amicably and we respectfully request your timely reply to this letter.

Sincerely,
Fritz L. Schweitzer III
Fritz L. Schweitzer III
fschweitzer3@ssjr.com

FLS
c: Mr. John French (via email)